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THE ANDHRA PRADESH GAZETTE
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G.1050

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,
4th FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.

F.No.16 / M / KNL / 2017.

Date: 28-09-2022.

KURNOOL DISTRICT - MOSQUE KNOWN AS MOGALPURA DARWAZA MASJID AND ITS ATTACHED PROPERTIES SITUATED AT BANDIMETTA STREET, KURNOOL CITY - Sri SYED MAHABOOB BASHA, S/o. SYED HUSSAIN BASHA RECOGNIZED AS MUTAWALII U/Sec.42 OF THE WAQF ACT, 1995.

- Read : 1.This office Proceedings No.B3/24/KNL/97, dated:11-8-1998.
2.Representation of Sri. Syed Mahaboob Basha, S/o. Syed Hussain Basha, R/o.H.No.34/83, Bandimetta, Kurnool City, dated:18-08-2021.
3.This Office Memo of even No. dated:25-08-2021.
4.Report of the Inspector Auditor Waqf, Kurnool District, vide Lr. No. 83/KNL/2012, dated:14-09-2021.
5. Representation of Sri. Syed Mahaboob Basha, S/o. Syed Hussain Basha, dated:04-10-2021.
6. This Office paper Notification of even No. dated:26-10-2021.
7 Report of the I.A.Waqf, Kurnool District, vide Lr.No.04/KNL/2014, dated:15-12-2021 along with notification publication in Andhra Jyothi news paper , dated.10-11-2021.
8.Board's Resolution No.343 of 2022, dated:24-08-2022.
9.Orders of the Hon'ble Chairperson, APSWB, dated.19-09-2022.

ORDER:

The Waqf institution namely Mosque known as Mogalpura Darwaza Masjid situated at Bandimetta Street, Kurnool City & District is having attached property in Sy.No.349/B to an extent of Ac.4.08 cents, Sy.No.350 to an extent of Ac.3.05 cents, and Sy.No.3 to an extent of Ac.1.85 cents of Kallur and Kurnool are notified Waqf and got Published in A.P. Gazette No.43-A, Part-II, Dated:24-10-1963, at Serial No.3083 in page Nos.24 & 25 under the Towliath of Mehboob Bi. After death of notified Mutawalli, the Board has appointed to Sri.Syed Mahaboob Peeran Basha, as Mutawalli and after death of Sri.Syed Mahaboob Peeran Basha, the Board has appointed to Sri. Syed Hussain Basha as Mutawalli vide Board's Proceedings in F.No.B3/24/KNL/97, dated: 11-08-98 vide ref. 1st read above

In the ref. 2nd read above, Sri.Syed.Mahaboob Basha, S/o.Syed Hussain Basha, H/o.34/83, Bandimetta, of Kurnool City & District has submitted a representation to this office with a request to recognize him as Mutawalli to Mogalpura Darwaza Masjid situated at Badimetta Street, Kurnool City & District in place of his father and the Mutawalli Sri. Syed Hussain Basha has also given affidavit duly notarized with advocate due to his old age & ill health unable to discharge the duties as Mutawalli and requested to recognize his 3rd son of Sri. Syed. Mahaboob Basha, S/o. Syed Hussain Basha as Mutawalli to the subject Waqf institution in his place U/sec. 42 of Waqf Act, 1995.

In the ref. 3rd read above, has calling report from the Inspector Auditor Waqf, Kurnool District in the subject matter.

Accordingly, the Inspector Auditor Waqf, Kurnool District has submitted his report vide ref. 4th read above, that at present Sri. Syed Hussain Basha, Mutawalli and Sri. Syed. Mahaboob Basha (Naib Mutawalli) are managing the affairs of subject Mosque and the Mutawalli is paying Waqf fund and submitting accounts to Board. Further reported that the attached lands in Sy.No.349/B and Sy No. 350 at Kallur (V&M) are under encroachment and Sy.No.3 to an extent of Ac.0.25 cents were acquired by the Municipal administration Dept. and alternative land in Sy.No. 35/5C1A1 near King Market, Kurnool belongs to Municipal Corporation was handed over to the Waqf Board i.e. Masjid in the said land the Mutawalli has constructed a Shadi Khana with his own and Masjid having (3) shops Rooms.

Further, the I.A Waqfs, Kurnool District has reported that Sri.Syed Hussain Basha became old age and he is unable to manage the affairs of Mosque and his son Syed Mahaboob Basha, Naib Mutawalli is applied for Mutawalliship and the family

members are given no objection for his appointment as Mutawalli and requested to appoint Sri. Syed. Mahaboob Basha, S/o. Syed Hussain Basha as Mutawalli of subject Mosque.

In the ref.5th read above, Sri.Syed Mahaboob Basha has submitted a representation to this office along with NOCs of his elder brothers i.e. Syed Zakir Basha and Sri.Syed Rafiq Basha for appointment of Mutawalli to subject Mosque.

As a part for further course of action this office has issued paper notification vide ref. 6th read above, duly inviting claims and objections if any for reconization of Sri.Syed.Mahaboob Basha, S/o.Syed Hussain Basha as Mutawalli U/sec.42 of Waqf Act, 1995 to the subject Waqf institution and its attached properties within a period of (15) days from the date of Publication of this Notification with documentary evidence.

In the ref. 7th read above the Inspector Auditor, Waqf, Kurnool District, has reported that the said paper notification was published in Andhra Jyothi Telugu daily News paper in Kurnool District edition on 10-11-2021 and no claims & objections were received against the aforesaid notification within stipulated period of time from the date of Publication of the notification.

The subject matter was placed before the Board and the Board has passed resolution No.343 of 2022, dated.24-08-2022 vide ref.8th read above to recognize Sri.Syed.Mahaboob Basha, S/o.Syed Hussain Basha as Mutawalli U/sec.42 of Waqf Act, 1995 to Mosque known as Mogalpura Darwaza Masjid and its attached properties situated at Bandimetta Street, Kurnool City & District.

Accordingly, Sri.Syed.Mahaboob Basha, S/o.Syed Hussain Basha is hereby recognized as Mutawalli to Mogalpura Darwaza Masjid and its attached properties situated at Bandimetta Street, Kurnool City & District U/sec.42 of Waqf Act,1995 for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time they should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.

- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To

Sri.Syed.Mahaboob Basha, S/o.Syed Hussain Basha,
Mutawalli of Mosque known as Mogalpura Darwaza Masjid,
Bandimetta Street, Kurnool City & District.

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